

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

FRANK DEGIFICO,)	
)	
Plaintiff,)	
)	
v.)	Civil No. 05-188-P-W
)	
TIME WARNER, et al.,)	
)	
Defendants.)	

ORDER ON PLAINTIFF'S MOTION FOR LEAVE TO FILE *IN FORMA PAUPERIS*

On September 30, 2005, Frank Degifico filed a motion for leave to proceed *in forma pauperis*. (Docket # 2). On October 3, 2005, Magistrate Judge Kravchuk denied the motion, based on the fact it was not properly completed and gave Mr. Degifico until October 17, 2005 to file a proper application. (Docket # 3). When he failed to do so, on October 19, 2005 she recommended dismissal of the case. (Docket # 6). On November 8, 2005, just before this Court was going to act on the Recommended Decision, Mr. Degifico filed a properly completed motion for leave to proceed *in forma pauperis*. (Docket # 7).

Although there is nothing in the motion that explains why Mr. Degifico failed to timely comply with Magistrate Judge Kravchuk's October 3, 2005 Order, this Court is not inclined to dismiss the case on a purely procedural basis, since Mr. Degifico is acting *pro se* and he complied with the Order, albeit belatedly, before the Recommended Decision was formally accepted.¹

¹ Mr. Degifico is reminded, however, that this Court is required to hold him to the same standards it holds parties represented by counsel. *Simpson v. Penobscot County Sheriff's Dep't*, 285 F. Supp. 2d 75, 76-77 (D. Me. 2003). If this Court sets a deadline, he must meet the deadline or face possible sanction.

This Court therefore GRANTS the Plaintiff's Motion for Leave to File *In Forma Pauperis* and as a consequence the Recommended Decision dated October 19, 2005 is dismissed as moot.

SO ORDERED.

/s/ John A. Woodcock, Jr.
JOHN A. WOODCOCK, JR.
UNITED STATES DISTRICT JUDGE

Dated this 9th day of November, 2005